
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

KELLY S. MCENTIRE,

Plaintiff,

v.

JAMES SELANDER, et al.,

Defendants.

REPORT AND RECOMMENDATION

Case No. 2:15-cv-00247-RJS-EJF

District Judge Robert J. Shelby

Magistrate Judge Evelyn J. Furse

Before the undersigned is *pro se* Plaintiff Kelly S. McEntire's Motion for Leave to Proceed *In Forma Pauperis* and proposed Complaint. Because this Court designated Mr. McEntire a restricted filer in this district, a magistrate judge must review any new civil complaint Mr. McEntire intends to file in this Court to determine whether it has merit prior to filing. *See McEntire v. Newman*, No. 2:13-cv-362 DN-EJF, 2013 WL 6328696, at *1 (D. Utah Dec. 5, 2013). "If the magistrate judge determines the complaint lacks merit, duplicates prior filings, or is frivolous, the magistrate judge will forward the complaint to the Chief District Judge for further review." *Id.* No case should have been opened prior to such review. Through error, Mr. McEntire was permitted to open this case prior to approval.

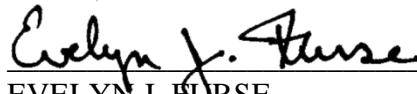
After reviewing Mr. McEntire's proposed Complaint and considering Mr. McEntire's restricted filing status, the undersigned RECOMMENDS the Chief District Judge close this case. The Court originally opened this case without forwarding it to a magistrate judge for proper review. Now that it is before the undersigned, the undersigned finds Mr. McEntire's claims lack merit, duplicate prior filings, and are frivolous and RECOMMENDS the Chief District Judge close

this case, consistent with the order from Mr. McEntire's prior case. *See McEntire*, 2013 WL 6328696, at *1.

The Court will send copies of this Report and Recommendation to the parties who are hereby notified of their right to object to the same. The parties are further notified that they must file any objection to this Report and Recommendation with the clerk of the court, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), within fourteen (14) days of receiving it. Failure to file objections may constitute waiver of objections upon subsequent review.

DATED this 14th day of August, 2015.

BY THE COURT:

A handwritten signature in black ink, reading "Evelyn J. Furse", written over a horizontal line.

EVELYN J. FURSE

United States Magistrate Judge